

UNITED STATES OF AMERICA)
)
 v.)
)
 TRAVIS M. WALLACE)

DISCUSSION


Criminal forfeiture is an element of a defendant's sentence. *Libretti v. United States*, 516 U.S. 29, 38-39 (1995). The purpose of forfeiture is "to deprive criminals of the fruits of their illegal acts and deter future crimes." *United States v. Martin*, 662 F.3d 301, 309 (4th Cir. 2011). While "a criminal defendant may appeal a preliminary forfeiture order, he may not appeal a final forfeiture order entered thereafter." *United States v. Earquhart*, 776 F. App'x 802, 803 (4th Cir. 2019). As such, a criminal forfeiture "must be challenged on direct appeal or not at all." *Young v. United States*, 489 F.3d 313, 315 (7th Cir. 2007).

Defendant did not appeal the forfeiture judgment. Instead, almost twenty years after it was entered, defendant now seeks to dismiss the voluntarily agreed to forfeiture because "I feel like I have paid the price for the crime I have done, and I have accepted full responsibility." [DE 47] at 1. Defendant puts forth no legal basis for dismissal of the remaining balance. Because defendant did not challenge the forfeiture judgment on direct appeal, the Court finds no support for granting his motion. *See United States v. Farkas*, 2016 WL 10585041, at *2 (E.D. Va. Oct. 3, 2016) ("Once the forfeiture order becomes final, a defendant may only challenge the order through the appeals process."). Therefore, defendant's motion is denied. [DE 47].

CONCLUSION

Accordingly, defendant's motion to dismiss forfeiture balance is DENIED. [DE 47].

SO ORDERED, this 78 day of May, 2025.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE